



## LOS ANGELES COUNTY COMMISSION ON HIV

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October 28, 2011

### ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

19 November 22, 2011

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, CA 90012

Dear Supervisors:

**SUNSET REVIEW, LANGUAGE UPDATES, AND ADDITION OF VOTING MEMBERS TO THE  
ORDINANCE OF THE LOS ANGELES COUNTY COMMISSION ON HIV  
(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)**

**SUBJECT**

Approval of the recommended amendments to Title 3—Chapter 29 of the Los Angeles County Code will update the ordinance language for the Los Angeles County Commission on HIV (“Commission”), add voting members to the Commission, and extend the Commission’s sunset review date indefinitely.

**IT IS RECOMMENDED THAT YOUR BOARD:**

- 1) Introduce, waive reading, and approve the Ordinance amending Title 3—Chapter 29, Commission on HIV, to update the ordinance language, add voting members to the Commission, and extend the Commission’s sunset review date indefinitely, and
- 2) Adopt the Ordinance.

**PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purposes of the proposed amendments are:

- 1) to update and clarify language to ensure consistency with new legislative requirements;
- 2) to detail its responsibilities and duties more specifically in accordance with Health Resources and Services Administration (HRSA) guidance;
- 3) to add voting members needed to enhance the Commission’s planning for HIV services in a constantly evolving healthcare environment; and
- 4) to ensure that the Commission continues indefinitely as long as there is federal funding or otherwise ordered by the Board of Supervisors.

The federal Ryan White Program is the largest source of federal, non-entitlement funding for care and treatment services to people with HIV/AIDS in Los Angeles County. Funding from federal Ryan White legislation is awarded for different purposes, which have been defined as “Parts A - F.” Part A funding is awarded to urban jurisdictions most impacted by HIV (Los Angeles County is the second most impacted urban jurisdiction and the second largest Part A grant in the country). Part B funds are awarded to states for their AIDS Drug Assistance Programs (ADAPs) and for additional funds to highly impacted jurisdictions, such as Los Angeles County, in those states. Parts C - F funds are granted to individual provider organizations—several of which are located in Los Angeles County. All Parts must be represented in the Part A planning council (Commission) membership.

In 2009, Ryan White legislation was reauthorized a fifth time as the Ryan White Treatment Extension Act of 2009. In 2010, federal agencies, such as HRSA, were required to develop implementation plans in accordance with the President’s new National HIV/AIDS Strategy (NHAS). Since then, HRSA has significantly altered its guidance consistent with Ryan White reauthorization and the NHAS—including new provisions that require the planning council to address and plan for Health Care Reform—requiring the Commission to update and clarify language in the ordinance accordingly.

The Commission’s current membership structure is designed to ensure that: 1) all Ryan White and HRSA membership requirements are met, and 2) there is balanced representation of all County geographic boundaries and HIV stakeholder constituencies. Thirty-one (31) of the current seats are required by HRSA; the remaining eleven (11) seats are included to ensure representation of all eight Service Planning Areas (SPAs), Supervisorial districts and County departments/agencies.

The three new membership seats and the elevation of three seats to voting status have been proposed in the amended language to allow the Commission to comprehensively prepare and plan for changes to Ryan White-funded services under health care reform implementation, to fully address the range of its new responsibilities in response to the NHAS and the latest Ryan White reauthorization, and to maintain the proportion of “unaffiliated” (not affiliated with any Part A service provider) consumer members, as required by Ryan White legislation and HRSA guidance:

- 1) Two new membership seats, one for the Department of Health Services (DHS) and one for another County department [such as the Departments of Mental Health (DMH) or Public Social Services (DPSS)] to ensure robust and thorough consideration of Ryan White-funded services as health care reform is implemented.
- 2) A new at-large consumer membership seat to maintain the proportion of unaffiliated consumer members on the Commission, as required by Ryan White legislation; and
- 3) Elevating the status of the three non-voting seats (Division of HIV and STD Programs, County HIV surveillance, and the Prevention Planning Committee) to ensure their full representation in Commission decision-making.

Given the federal mandate for a Ryan White Part A planning council (the Commission), the Auditor-Controller recommended and the Audit Committee approved extending the Commission’s sunset review date indefinitely “as long as it is federally funded or upon other order of the Board of Supervisors” (proposed amendment to section 3.29.110).

### **FISCAL IMPACT/FINANCING**

The recommended action will have no fiscal impact. The proposed amendments will not alter the allocations or distribution of the Ryan White Program funds, nor will they have a fiscal impact on the Commission's operational budget.

HRSA regularly monitors the Commission's work and performance in its role as the Ryan White Part A planning council. Failure to respond to the legislative mandates and/or HRSA guidance to fulfill required planning council responsibilities and/or to extend the Commission's operations could jeopardize all or part of federal Ryan White funding to the County of Los Angeles. Currently, Los Angeles County receives approximately \$40 million in Ryan White Part A funds, another \$9 million in Ryan White Part B funds through the State, and several millions in funding for local direct Part C - F grantees.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The proposed ordinance modifications will permit the continuation of the Commission; will update the ordinance language for consistency with current HRSA terms and requirements and to reflect current Commission practices consistent with HRSA guidance; and, the membership changes will improve Commission planning and decision-making as needed to address new HRSA initiatives.

Although the current ordinance sunset on July 1, 2011, County Counsel, the Chief Executive Office, and the Auditor-Controller concurred that the Commission would continue its operations after the sunset review date given that the Commission had initiated the ordinance renewal process well in advance of that date. The Commission has continued to act in accordance with the existing ordinance since then.

It is recommended that your Board approve the following proposed ordinance changes to:

- 1) amend Section 3.29.010 (Definitions) to update and add definitions;
- 2) amend Section 3.29.020 (Commission on HIV) to update language;
- 3) amend Section 3.29.030 (Membership) to update language consistent with new terms and membership requirements in the most recent Ryan White reauthorization, add three new membership seats, and to confer voting status on the three non-voting membership seats, as previously described;
- 4) amend Section 3.29.040 (Alternate members) to update and clarify language;
- 5) amend Section 3.29.045 (Nominations) to reflect current Commission nomination practices consistent with Ryan White legislative and HRSA requirements;
- 6) amend Section 3.29.046 (Conflict of interest) to update language;
- 7) amend Section 3.29.050 (Term of service) to update language and delete provisions referencing changes to the Commission addressed in the last version of the ordinance;
- 8) amend Section 3.29.060 (Meetings and committees) to update language;
- 9) amend Section 3.29.070 (Procedures) to update language consistent with other changes to the ordinance;
- 10) amend Section 3.29.080 (Compensation) to update language consistent with HRSA guidance;

- 11) amend Section 3.29.090 (Duties) to clarify language consistent with Ryan White legislation and HRSA guidance;
- 12) amend Section 3.29.095 (Grievance procedures) to update language consistent with HRSA guidance;
- 13) amend Section 3.29.100 (Commencement date) to update language to reflect the Commission's continuing status; and
- 14) amend Section 3.29.110 (Sunset review date) to extend the Commission's sunset review indefinitely as long it is federally funded or upon other order of your Board.

The County's Chief Executive Office (CEO), County Counsel, Auditor-Controller and its Departments of Public Health (DPH) and Health Services (DHS) concur with the proposed amendments to the ordinance.

**IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The proposed ordinance amendments will ensure more responsive service, allocation and planning decision-making by the Commission as it addresses significant changes to local HIV health care during implementation of California's Medicaid 1115 Waiver and the federal Affordable Care Act (ACA), or Health Care Reform.

**CONCLUSION**

The extension of and amendments to Title 3—Chapter 29 will enable the Commission to continue advancing innovations and improvements to Los Angeles County's system of HIV service delivery in a rapidly evolving healthcare environment.

Respectfully submitted,



Craig A. Vincent-Jones, MHA

Executive Director, Los Angeles County Commission on HIV

Enclosure (proposed amendments to Title 3—Chapter 29, Los Angeles County Code)

- c: Executive Officer of the Board  
County Counsel  
Auditor-Controller  
Audit Committee  
Director, Department of Public Health  
Director, Department of Health Services  
File